



\$ 1666

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67009

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Kazuya TAKENOUCHI et al.

NOV 21 2003

Appln. No.: 10/035,251

Group Art Unit: 1616

TECH CENTER 1600/2900

Confirmation No.: 4355

Examiner: Sabiha Naim Oazi

Filed: January 4, 2002

For: VITAMIN D3 DERIVATIVE AND TREATING AGENT FOR INFLAMMATORY
RESPIRATORY DISEASE USING SAME

SUBMISSION OF TERMINAL DISCLAIMER

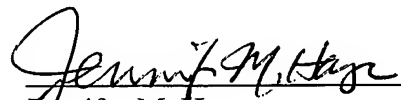
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. A check in the amount of \$110.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860


Jennifer M. Hayes
Registration No. 40,641

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 14, 2003



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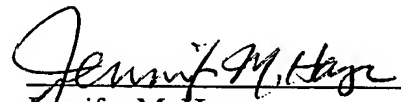
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For: VITAMIN D3 DERIVATIVE AND TREATING AGENT FOR INFLAMMATORY
RESPIRATORY DISEASE USING SAME

TERMINAL DISCLAIMER FOR U.S. APPLICATION NO. 10/035,217

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of the petitioner, TEIJIN LIMITED, represents that the petitioner, TEIJIN LIMITED is the owner of the entire right, title and interest of U.S.

Application No. 10/035,217, filed on January 4, 2002 for Vitamin D3 Derivative and Treating Agent for Inflammatory Respiratory Disease Using the Same by virtue of an Assignment from all of the inventors thereof executed on March 9, 2001, recorded on April 23, 2001 at Reel 011878, Frame 0868, as well as the entire right, title and interest in the above-captioned U.S. Application No. 10/035,251 by virtue of an Assignment from all of the inventors thereof executed on March 9, 2001, recorded on April 23, 2001, at Reel 011878, Frame 0868.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 10/035,251 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from U.S. Application No. 10/035,217, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/035,251 shall be enforceable only for and during such period that the legal title to any patent issuing from U.S. Application No. 10/035,217 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/035,251, this agreement to run with any patent granted on the above-captioned U.S. Application No. 10/035,251 and to be binding upon the grantee, its successors or assigns.

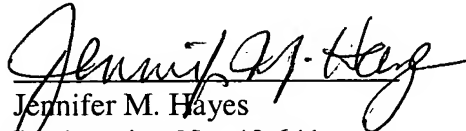
Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/035,251 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from U.S. Application No. 10/035,217 in the event that any patent issuing from U.S. Application No. 10/035,217 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Terminal Disclaimer
U.S. Patent Application Ser. No.: 10/035,251

Attorney Docket No.: Q67009

The undersigned whose signature and title appear below is empowered to act on behalf of
petitioner.

Respectfully submitted,


Jennifer M. Hayes
Registration No. 40,641

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Filed: January 4, 2002

For: **VITAMIN D3 DERIVATIVE AND TREATING AGENT FOR INFLAMMATORY
RESPIRATORY DISEASE USING SAME**

TERMINAL DISCLAIMER FOR U.S. PATENT NO. 6,548,489

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of the petitioner, TEIJIN LIMITED, represents that the petitioner, TEIJIN LIMITED is the owner of the entire right, title and interest of U.S.

Application No. 10/035,219, filed on January 4, 2002 for Vitamin D3 Derivative and Treating Agent for Inflammatory Respiratory Disease Using the Same by virtue of an Assignment from all of the inventors thereof executed on March 9, 2001, recorded on April 23, 2001 at Reel 011878, Frame 0868, now issued as U.S. Patent 6,548,489 as well as the entire right, title and interest in the above-captioned U.S. Application No. 10/035,251 by virtue of an Assignment from all of the inventors thereof executed on March 9, 2001, recorded on April 23, 2001, at Reel 011878, Frame 0868.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 10/035,251 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,548,489, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/035,251 shall be enforceable only for and during such period that the legal title to U.S. Patent 6,548,489 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/035,251, this agreement to run with any patent granted on the above-captioned U.S. Application No. 10/035,251 and to be binding upon the grantee, its successors or assigns.

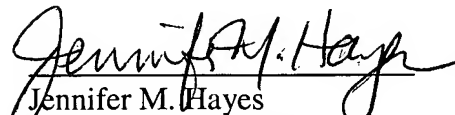
Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/035,251 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,548,489 in the event that U.S. Patent 6,548,489 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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